

VILLAGE OF COLD SPRING ZONING BOARD OF APPEALS
85 MAIN STREET, COLD SPRING NEW YORK 10516
PHONE (845) 265-3611
Continued public hearing/workshop meeting

May 3, 2012

Members: Chairman; Donald Mac Donald, Gregory Gunder & Richard Turner

Members absent: John Martin and Edward Murphy

Chairman Mac Donald opened the meeting at 7:03

Workshop meeting:

Susan Peehl and Andrew Hall 15 Fair St.

The applicant proposed an interpretation of the code regarding a shed being built on 14 Stone St.

D. Mac Donald noted he referred the file to the Village Attorney, Steve Gaba, and read a letter from Amy Zamenick; Drake Loeb, Heller, Kennedy, Gogerty, Gaba and Rodd PLLC dated May 2, 2012. Which referred to Village Code 7-712a(5)(b) requiring an appeal to be filed within 60 days from the time work started noting that according to the Mr. Gaba, Village Attorney, the project started in the spring of 2010 when the building was lifted and a foundation was put in.

The Board and Ms. Peehl discussed the appeal and reviewed the information supplied.

Ms. Peehl and Mr. Hall noted she spoke to Village Attorney, Steve Gaba and he responded differently regarding the filing within 60 days and the start of the work in their opinion was February 23, 2012 when the old building was taken down and started to get rebuilt

Fred Norgaard, 9 Fair St. asked if his appeal can be added to the workshop since his appeal relates to the shed on 14 Stone St also.

Ms. Peehl asked what she can do to stop the building until the appeal process is done.

Mr. Norgaard noted the work on the shed started after the Certificate of Appropriateness has expired and asked if is null and void.

Mr. Hall noted that in his opinion he feels the board is withholding information. A lot of time went by before a meeting was held; the Mayor and building inspector met April 10, 2012 and answers were received from the Village Attorney.

R. Turner noted that Tim Hynes should be added to the list of adjoining neighbors to be contacted with a public hearing notice.

D. Mac Donald will speak to Steve Gaba regarding the different information that the applicants said she received compared to the information given to the ZBA.

D. Mac Donald suggested to the applicants to put all their concerns and information in writing. A continued workshop meeting was scheduled for Thursday, May 10, 2012 at 7:00 P.M.

Continued public hearing:

Stephanie Hawkins, 15 Academy St.

Present for the applicant: Stephanie Hawkins and James Hartford, Architect

Chairman Mac Donald reopened the public hearing for Stephanie Hawkins. The applicant proposed to put a 1½ story on the rear of the residence. The applicant presented the Board with a paper showing 6 exceptionally shallow lots in the Village. Three lots including hers are shallower than 40 feet.

R. Turner noted his opinion is he would vote for the appeal since the applicant proved she has a unique situation.

The Board discussed the proposal and answered the following questions:

1. Whether an undesirable change will be produced in the character of the variance? Board members answered no and noted bump outs are common in the neighborhood.
2. Whether the benefit sought by the applicant can be achieved by some, method feasible for the applicant to pursue other than an area variance? Board members stated no and added the house is very small with a very small yard. There would still be 40% lot coverage.
3. Whether the requested variance is substantial? Board members stated no.

D. Mac Donald took a straw vote on the application. It was unanimous. An official decision will be written up and an official vote will be done at the next meeting.

Correspondence:

Minutes from other boards to review.

R. Turner moved to adjourn the meeting and G. Gunder seconded the motion. The meeting was adjourned at 8:27 P.M.

Donald Mac Donald, Zoning Board of Appeals Chairman

Date